

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>INTERSTATE POWER AND LIGHT COMPANY</p> <p>Plaintiffs,</p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</p> <p>Respondent,</p> <p>and</p> <p>OFFICE OF CONSUMER ADVOCATE,</p> <p>and</p> <p>IOWA UTILITY ASSOCIATION,</p> <p>Intervenors.</p>	<p>CASE NO. CVCV065011</p> <p><b>PETITIONER’S UNRESISTED MOTION TO FILE CONFIDENTIAL APPENDIX UNDER SEAL</b></p> <p><b>*EXPEDITED RELIEF REQUESTED*</b></p>
--	---

COMES NOW the Petitioner, Interstate Power and Light Company (IPL) by and through its counsel, and for its Unresisted Motion to File its Confidential Appendix Under Seal states as follows:

1. IPL has filed a Petition for Judicial Review of the Iowa Utilities Board’s (Board) denial of its Application for Advance Ratemaking (Application).

2. On April 7, 2023, the Court granted the Respondent’s Application to Restrict Access/Motion to file Portions of the Agency Record Under Seal. The Court stated as follows:

Pursuant to Iowa Rule of Electronic Procedure 16.405, the agency is allowed to file the confidential portions of the agency record under seal. Pursuant to Iowa Rule of Electronic Procedure 16.405(2)(d), access to the confidential portions of the agency record is restricted to the Court, Clerk of Court, court staff, and case attorneys at

this time subject to further order. The clerk shall file the agency record at security level 3.

3. In connection with filing its Brief in support of its Petition for Judicial Review, IPL intends to file an Appendix containing documents cited in its Brief. While the Certified Record filed by the Respondent on April 10, 2023 will be available to the Court, the Appendix will provide the documents cited by IPL in its Brief. It is anticipated the Respondent may file a Supplemental Appendix in connection with the filing of its Brief.

4. In connection with its Application to the Board, IPL provided confidential information and trade secrets of IPL.

5. In light of the confidential nature of the information provided by IPL, the Board issued orders granting confidential treatment and allowed IPL to file certain information in a redacted format while also providing unredacted copies to the Board to remain confidential.

6. IPL requests similar treatment of the confidential information in connection with its Petition for Judicial Review. IPL requests permission to file an Appendix with redacted copies of exhibits and testimony. IPL also requests permission to file an unredacted Confidential Appendix to be filed under seal and maintained as confidential by the Court at a security level 3.

7. The confidential information provided by IPL in connection with its Application contained modeling inputs, assumptions, and outputs that were used in the economic evaluation of the proposed projects for IPL's customers. The analyses and testimony specifically contained forward-looking projections related to IPL's revenue requirement, tax position and tax credit utilization, projected capital expenditures, and estimated monthly construction costs. These assumptions included the specific terms of commercial agreements related to the projects. In addition, IPL's calculation of the net present value of customer costs of the proposed projects relied, in part, on IPL's forecasted assumptions of specific energy market revenue and cash

distributions. Certain exhibits that IPL filed include “protected information” pursuant to Iowa Rule of Civil Procedure 1.422(2) as well as confidential, sensitive and proprietary information, including but not limited to financial information, belonging to IPL.

8. Public disclosure of this information could harm IPL’s position in the competitive capacity and energy markets by providing competitors insight into IPL’s tax position and strategy and IPL’s negotiating position with respect to energy and capacity purchases. Disclosing this information to renewable energy developers could also harm IPL’s competitive position in the market for acquisition of renewable energy projects, to the detriment of its customers. And, disclosure of the confidential information would also put IPL at a competitive disadvantage in negotiations to maximize the use of tax Production Tax Credits to reduce the customer cost of the Projects. The end result would be higher energy and capacity costs on less than favorable terms for IPL’s customers. Thus, no public purpose would be served by public disclosure of information concerning IPL’s prospective tax position, Project economic evaluations and supporting financial information.

9. IPL seeks to submit public (redacted) and confidential versions of IPL’s Integrated Resource Plan, the Iowa Clean Energy Blueprint: 2020 Resource Planning Analysis (Integrated Resource Plan) and the Reliability Analysis: An Evaluation of the Expected Reliability of Midwest ISO Load resource Zones 2 and 3 (Reliability Analysis) with its Application.

10. The Integrated Resource Plan reflects IPL’s confidential projections and assumptions about generating power, commodity contracts, capacity revenue, energy margin, transmission costs, and retail sales for the years 2020 through 2040, as well as proprietary information obtained from vendors. The Reliability Analysis analyzes the reliability of IPL’s generating fleet in 2025. The Reliability Analysis was conducted using confidential information

regarding Alliant Energy's generation fleet, including daily peak loads, coincident and non-coincident peak loads, and current and future capacity position within the Midcontinent Independent System Operator (MISO), among other information.

11. IPL classifies all of the foregoing information as trade secrets or commercially sensitive information which, if released, would give advantage to competitors and serve no public purpose. Publicly disclosing the information would negatively affect IPL's ability to negotiate in energy and commodity markets to the detriment of IPL's customers. IPL secures competitive bids for additional capacity it procures. If the information contained in the referenced documentation were disclosed to competitors, it would provide them with an undue advantage in negotiations. Public disclosure would discourage a supplier from furnishing a low bid, which it otherwise may be willing to submit. The ability of others to obtain and use the foregoing information will tend to set a base amount below which bids will not be received or below which terms will not be negotiated. Disclosure of this information could provide IPL's competitors with competitively sensitive information about IPL's resource plan, and it could be used to create a competitive disadvantage for IPL in commodity markets, resulting in higher costs to IPL's customers.

12. The Application that is the subject of this judicial review relied, in part, on confidential data concerning the expected performance of the proposed projects. Specifically, IPL has performed analysis of the expected net capacity factor of the solar generating facilities over the life of the proposed projects, as well as secured commercial agreements regarding the rate of degradation over time of both the solar and battery energy storage facilities. These agreements contain sensitive commercial terms, and these analyses identify commercially sensitive site-specific weather data collected from meteorological installations, among other sensitive modeling inputs and outputs. Public disclosure of this information could provide IPL's competitors with

competitively sensitive information about the expected performance of the solar generation and storage facilities and could create a competitive disadvantage for IPL, resulting in higher costs to IPL's customers. Disclosure of this information would also place IPL at a competitive disadvantage because bidders would have access to negotiated contractual terms such as the assumed rate of degradation and the associated costs in the agreements. Thus, because disclosure of the information would compromise IPL's ability to negotiate future contracts on terms and conditions most favorable to IPL and its customers, the harm of public disclosure outweighs the benefits of such disclosure.

13. Confidential treatment of the information identified herein is required in order to preserve the commercially sensitive, trade secret information, which if released could result in higher costs to IPL's customers which further no public purpose, pursuant to the requirements of Iowa Code section 22.7(3) and (6).

WHEREFORE, IPL respectfully requests an Order permitting IPL to file an Appendix with redacted documents as well as a Confidential Appendix to be filed under seal at a security level 3 and all other relief the Court deems just and equitable under the circumstances.

Respectfully submitted,

/s/Tara Z. Hall

Tara Z. Hall, AT0003152  
Dentons Davis Brown PC  
215 10th Street, Suite 1300  
Des Moines, Iowa 50309  
Telephone: (515) 288-2500  
Facsimile: (515) 243-0654  
E-mail: [Tara.Hall@dentons.com](mailto:Tara.Hall@dentons.com)

/s/ Elizabeth A. Etchells

Elizabeth A. Etchells, AT0012670  
Dentons Davis Brown, P.C.  
215 10th Street, Suite 1300  
Des Moines, Iowa 50309  
Telephone: 515-288-2500  
Email: [Elizabeth.Etchells@dentons.com](mailto:Elizabeth.Etchells@dentons.com)

/s/ Andrew D. Cardon

Andrew D. Cardon, AT0014045  
Alliant Energy Corporate Services, Inc.  
200 1st Street SE  
Cedar Rapids, IA 52401  
Telephone: 319-786-4236  
E-mail: [AndrewCardon@alliantenergy.com](mailto:AndrewCardon@alliantenergy.com)

**ATTORNEYS FOR PETITIONER  
INTERSTATE POWER AND LIGHT  
COMPANY**

Copies To:

Jon Tack

Diana S. Machir

Iowa Utilities Board

1375 E. Court Avenue

Des Moines, IA 50319

Phone: 515-725-7333

E-mail: [jon.tack@iub.iowa.gov](mailto:jon.tack@iub.iowa.gov)

E-mail: [diana.machir@iub.iowa.gov](mailto:diana.machir@iub.iowa.gov)

**ATTORNEYS FOR IOWA UTILITIES  
BOARD**

Bret A. Dublinske

Fredrikson & Byron, P.A.

111 East Grand Avenue, Suite 301

Des Moines, IA 50309

Telephone: 515-242-8900

Facsimile: 515-242-8950

Email: [bdublinske@fredlaw.com](mailto:bdublinske@fredlaw.com)

**ATTORNEY FOR IOWA UTILITY ASSOCIATION**

**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on May 12, 2023 by:

- |  |   |
|--|---|
| <input type="checkbox"/> U.S. Mail       | <input type="checkbox"/> FAX                    |
| <input type="checkbox"/> Hand Delivered  | <input type="checkbox"/> Overnight Courier      |
| <input type="checkbox"/> Federal Express | <input checked="" type="checkbox"/> Other: EDMS |

Signature: /s/ Tara Z. Hall

John Crotty

Office of Consumer Advocate

1375 East Court Avenue

Des Moines, IA 50319

Telephone: 515-725-7200

Email: [John.Crotty@oca.iowa.gov](mailto:John.Crotty@oca.iowa.gov)

**ATTORNEY FOR OFFICE OF CONSUMER ADVOCATE**